

# United States District Court

Southern

DISTRICT OF

New York

OTTO MONTENEGRO AND  
MARTHA MONTENENGRO

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

1 WORLD TRADE CENTER LLC,  
ET AL SEE ATTACHED RIDER,

06-cv-6018

TO: (Name and address of defendant)

See attached rider

30 days after service

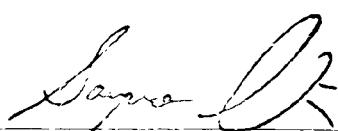
YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
115 Broadway, 12th Floor  
New York, New York 10006  
212-267-3700

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK



(BY) DEPUTY CLERK

Aug 7 2006

DATE

## RETURN OF SERVICE

Service of the Summons and Complaint was made by me:  
NAME OF SERVER (PRINT)

DATE

TITLE

Check one box below to indicate appropriate method of service

Served personally upon the defendant. Place where served: \_\_\_\_\_

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_

Returned unexecuted: \_\_\_\_\_

Other (specify): \_\_\_\_\_

## STATEMENT OF SERVICE FEES

| TRAVEL | SERVICES | TOTAL |
|--------|----------|-------|
|--------|----------|-------|

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_

Date \_\_\_\_\_

Signature of Server \_\_\_\_\_

Address of Server \_\_\_\_\_

RIDER

OTTO MONTENEGRO AND MARTHA  
MONTENENGRO,

Plaintiffs,

- against -

1 WORLD TRADE CENTER LLC; 1 WTC  
HOLDINGS LLC; 2 WORLD TRADE CENTER  
LLC.; 2 WTC HOLDINGS LLC.; 4 WORLD  
TRADE CENTER LLC.; 4 WTC HOLDING LLC.;  
5 WORLD TRADE CENTER LLC.; 5 WTC  
HOLDING LLC.; 7 WORLD TRADE COMPANY,  
L.P.; A RUSSO WRECKING, INC.; ABM; ABM  
INDUSTRIES, INC.; ABM JANITORIAL  
NORTHEAST, INC.; AMEC CONSTRUCTION  
MANAGEMENT, INC.; AMEC EARTH &  
ENVORONMENTAL, INC.; ANTHONY CORTESE  
SPECIALIZED HAULING LLC.; ATLANTIC HEYDT CORP.;  
BECHTEL CONSTRUCTION, INC.; BECHTEL  
CORPORATION; BECHTEL  
ENVIRONMENTAL, INC.; BERKEL &  
COMPANY, CONTRACTORS, INC.; BFP TOWER  
C Co. LLC; BIG APPLE WRECKING &  
CONSTRUCTION CORP.; BOSTON PROPERTIES;  
BOVIS LEND LEASE LMB, INC.; BOVIS LEND  
LEASE, INC.; BREEZE CARTING CORP.;  
BREEZE NATIONAL INC.; BRER-FOUR  
TRANSPORTATION CORP.; BURO HAPPOLD  
CONSULTING ENGINEERS, P.C.; C & D  
FIREPROOFING & PLASTERING CORP.; C.B.  
CONTRACTING CORP; CANRON  
CONSTRUCTION CORP.; CANTOR SEINUK GROUP;  
CERTIFIED FENCE CORP.; CIVETTA-  
COUSINS JV, L.L.C.; CLARCOR AIR FILTRATION  
PRODUCTS, Inc.; COMPONENT ASSEMBLY  
SYSTEMS, INC.; CONSOLIDATED EDISON  
COMPANY OF NEW YORK, INC.;  
COORDINATED METALS, INC.; CORD  
CONTRACTING CO., INC.; CRAIG TEST  
BORING COMPANY INC.; CRITICOM  
INTERNATIONAL CORPORATION; CUSHMAN  
& WAKEFIELD, INC; D'ONOFRIO GENERAL  
CONTRACTORS CORP.; DAKOTA DEMO-  
TECH, INC.; DCM ERECTORS, INC.;  
DIAMOND POINT EXCAVATING CORP.;  
DIEGO CONSTRUCTION, INC.; DIVERSIFIED  
CARTING, INC.; DMT ENTERPRISE, INC.;  
EAGLE LEASING & INDUSTRIAL SUPPLY, INC.;  
EAGLE ONE ROOFING CONTRACTORS INC;

EAGLE SCAFFOLDING CO., INC.; EJ DAVIES, INC.; EN-TECH CORP.; ET ENVIRONMENTAL; EVERGREEN RECYCLING OF CORONA(EROC); EWELL W. FINLEY, P.C.; EXECUTIVE MEDICAL SERVICES, P.C.; F&G MECHANICAL, INC.; FLEET TRUCKING, INC.; FRANCIS A. LEE EXTERIOR RESTORATION, INC.; FRANK MICELLI JR.CONTRACTING, INC.; FTI TRUCKING, INC.; GILSANZ, MURRAY, & STEFICEK, LLP, GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC.; HALLEN WELDING SERVICE, INC.; HELMSMAN MANAGEMENT SERVICES, INC.; HGC CONTRACTING CORP.; HIGH-RISE ELECTRIC, INC.; HIGH RISE HOISTING AND SCAFFOLDING, INC.; JP EQUIPMENT RENTAL MATERIALS, INC; LAQUILA CONSTRUCTION INC.; LASTRADA GENERAL CONTRACTING CORP.; LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEERS P.C.; LIBERTY MUTUAL INSURANCE COMPANY; LIBERTY MUTUAL MANAGED CARE INC.; LOCKWOOD, KESSLER & BARTLETT, INC.; LUCIUS PITKIN, INC.; LZA TECH-DIV OF THORTON TOMASETTI; MANAFORT BROTHERS INCORPORATED; MAZZOCCHI WRECKING, INC.; MERIDIAN CONSTRUCTION GROUP; MOODY'S INVESTORS SERVICE; MRA ENGINEERING, PC; MUESER RUTLEDGE CONSULTING ENGINEERS, INC; MUSCO SPORTS LIGHTING, LLC.; NACIREMA INDUSTRIES INCORPORATED; NEW YORK CRANE & EQUIPMENT CORP.; NYC INDUSTRIAL DEVELOPMENT AGENCY; NICHOLSON CONSTRUCTION COMPANY; OLYMPIC PLUMBING & HEATING CORP.; OVE ARUP & PARTNERS P.C.; PARSON GROUP, INC.; PETER SCALAMANDRE & SONS, INC.; PINNACLE; PINNACLE ENVIRONMENTAL CORP.;PLAZA CONSTRUCTION CORP.; PLAZA CONSTRUCTION MANAGEMENT CORP.; PORT AUTHORITY of NEW YORK and NEW JERSEY; PRO SAFETY SERVICES LLC.; PT & L CONTRACTING CORP.; REGIONAL SCAFFOLDING & HOISTING CO., INC.; ROBER SILMAN ASSOCIATES; ROBERT ERRAT; ROBERT L. GEROSA, INC.; ROYAL GM, INC; SAB TRUCKING INC.; SAFEWAY ENVIRONMENTAL CORP.; SEASONS INDUSTRIAL CONTRACTING; SHELDRAKE ORGANIZATION, INC.; SILVERITE CONTRACTING CORPORATION; SILVERSTEIN DEVELOPMENT CORP; SILVERSTEIN PROPERTIES INC; SILVERSTEIN PROPERTIES; SILVERSTEIN WTC FACILITY MANAGER LLC.; SILVERSTEIN WTC LLC; SILVERSTEIN WTC

MGMT CO. LLC.; SILVERSTEIN WTC PROPERTIES LLC.; SIMPSON GUMPERTZ & HEGER INC.; SKIDMORE, OWING & MERRILL LLP; STAR DELTA ELECTRIC, INC.; STIER ANDERSON, LLC.; SURVIVAIR; TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN; TISHMAN CONSTRUCTION CORPORATION OF NEW YORK; TISHMAN INTERIORS CORPORATION; TISHMAN SPEYER PROPERTIES; TOMASETTI GROUP, INC.; TORRETTA TRUCKING, INC.; TOTAL SAFETY CONSULTING, L.L.C.; TRIO ASBESTOS REMOVAL; TUCCI EQUIPMENT RENTAL CORP.; TULLY CONSTRUCTION CO., INC.; TULLY CONSTRUCTION COMPANY; TULLY ENVIRONMENTAL INC.; TULLY INDUSTRIES, INC.; TURNER CONSTRUCTION CO.; TURNER CONSTRUCTION COMPANY; TURNER CONSTRUCTION INTERNATIONAL, LLC.; ULTIMATE DEMOLITION/CS HAULING (JOINT VENTURE); UNITED STATES REBAR, INC.; VOLLMER ASSOCIATES LLP.; W HARRIS & SONS INC.; WEEKS MARINE, INC.; WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C.; WFP TOWER D. CO., LP; WHITNEY CONTRACTING INC.; WOLKOW-BRAKER ROOFING CORP.; WORLD TRADE CENTER PROPERTIES LLC.; YANNUZZI & SONS, INC; YONKERS CONTRACTING COMPANY, INC.; YORK HUNTER CONSTRUCTION, LLC; ZIEGENFUSS DRILLING, INC.,

Defendants.

---

X

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New York, NY 10038

TURNER CONSTRUCTION  
INTERNATIONAL, LLC.  
C/O London Fischer, LLP  
59 Maiden Lane  
New York, NY 10038

ULTIMATE DEMOLITIONS/CS  
HAULING  
500 New Street  
Oceanside, NY 11572

UNITED STATES REBAR, INC.,  
332 N. Main Street  
Freeport, NY 11520

VERIZON NEW YORK, INC.  
C/O CT CORPORATION SYSTEM  
111 Eighth Avenue  
New York, NY 10011

VOLLMER ASSOCIATES LLP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

W HARRIS & SONS INC  
37 West Washington Avenue  
Pearl River, NY 10965

WEEKS MARINE, INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

WEIDLINGER ASSOCIATES,  
CONSULTING ENGINEERS, P.C.,  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

WHITNEY CONTRACTING INC.  
C/O Joanne Pisano, P.C.  
1250 Central Park Avenue

D'ONOFRIO GENERAL  
CONTRACTORS CORP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

DAKOTA DEMO-TECH  
140 Old Northport Road  
Kings Park, NY 11754

DCM ERECTORS, INC  
110 E. 42<sup>nd</sup> Street, Ste 1710  
New York, NY 10017

DIAMOND POINT EXCAVATING  
CORP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

DIEGO CONSTRUCTION, INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

DIVERSIFIED CARTING, INC.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

DMT ENTERPRISE, INC.  
255 Lake Avenue  
Yonkers, NY 10701

C/O Paul O'Brien  
64-54 Maurice Avenue  
Maspeth, NY 11378

PLAZA CONSTRUCTION CORP.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

PLAZA CONSTRUCTION  
MANAGEMENT CORP.  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

PORT AUTHORITY OF NEW  
YORK AND NEW JERSEY  
225 Park Avenue South  
New York, NY 10003

PRO SAFETY SERVICES, LLC  
Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

PT & L CONTRACTING CORP  
1 Kalisa Way Ste 301  
Paramus, NJ 07652

REGIONAL SCAFFOLD & C/O  
Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

Yonkers, NY 10704

WOLKOW-BRAKER ROOFING CORP  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

WORLD TRADE CENTER  
PROPERTIES LLC  
C/O Edward Tanenhouse, Esq.  
530 Fifth Avenue-18 Floor  
New York, New York 10036

YANNUZZI & SONS INC  
56 Oakwood Avenue  
Orange, NJ 07050

YONKERS CONTRACTING  
COMPANY, INC.,  
C/O Patton Boggs, LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
Newark, NJ 07102

YORK HUNTER CONSTRUCTION,  
LLC  
107 Old Goshen Road  
South Seaville, NJ 08246

ZIGENFUSS DRILLING, INC.,  
C/O CT CORPORATION SYSTEM  
111 Eighth Avenue  
New York, NY 10011

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER  
DISASTER SITE LITIGATION

OTTO MONTENEGRO AND MARTHA  
MONTENEGRO

Plaintiffs,

- against -

1 WORLD TRADE CENTER LLC; 1 WTC  
HOLDINGS LLC; 2 WORLD TRADE CENTER LLC.;  
2 WTC HOLDINGS LLC.; 4 WORLD TRADE  
CENTER LLC.; 4 WTC HOLDING LLC.; 5 WORLD  
TRADE CENTER LLC.; 5 WTC HOLDING LLC.; 7  
WORLD TRADE COMPANY, L.P.; A RUSSO  
WRECKING, INC.; ABM; ABM INDUSTRIES, INC.;  
ABM JANITORIAL NORTHEAST, INC.; AMEC  
CONSTRUCTION MANAGEMENT, INC.; AMEC  
EARTH & ENVIRONMENTAL, INC.; ANTHONY  
CORTESE SPECIALIZED HAULING LLC.; ATLANTIC HEYDT  
CORP.; BECHTEL CONSTRUCTION, INC.;  
BECHTEL CORPORATION; BECHTEL  
ENVIRONMENTAL, INC.; BERKEL & COMPANY,  
CONTRACTORS, INC.; BFP TOWER C CO. LLC; BIG  
APPLE WRECKING & CONSTRUCTION CORP.;  
BOSTON PROPERTIES; BOVIS LEND LEASE LMB,  
INC.; BOVIS LEND LEASE, INC.; BREEZE  
CARTING CORP.; BREEZE NATIONAL INC.;  
BRER-FOUR TRANSPORTATION CORP.; BURO  
HAPPOLD CONSULTING ENGINEERS, P.C.; C & D  
FIREPROOFING & PLASTERING CORP.; C.B.  
CONTRACTING CORP; CANRON CONSTRUCTION  
CORP.; CANTOR SEINUK GROUP; CERTIFIED FENCE  
CORP.; CIVETTA-COUSINS JV, L.L.C.; CLARCOR  
AIR FILTRATION PRODUCTS, INC.; COMPONENT  
ASSEMBLY SYSTEMS, INC.; CONSOLIDATED  
EDISON COMPANY OF NEW YORK, INC.;  
COORDINATED METALS, INC.; CORD  
CONTRACTING CO., INC.; CRAIG TEST BORING  
COMPANY INC.; CRITICOM INTERNATIONAL

21 MC 100 (AKH)

DOCKET NO.

U.S.D.C.S. NY  
CHECK-OFF ("SHORT FORM")  
COMPLAINT  
RELATED TO THE  
MASTER COMPLAINT

PLAINTIFF(S) DEMAND A TRIAL BY  
JURY

CORPORATION; CUSHMAN & WAKEFIELD, INC; D'ONOFRIO GENERAL CONTRACTORS CORP.; DAKOTA DEMO-TECH, INC.; DCM ERECTORS, INC.; DIAMOND POINT EXCAVATING CORP.; DIEGO CONSTRUCTION, INC.; DIVERSIFIED CARTING, INC.; DMT ENTERPRISE, INC.; EAGLE LEASING & INDUSTRIAL SUPPLY, INC.; EAGLE ONE ROOFING CONTRACTORS INC; EAGLE SCAFFOLDING CO., INC.; EJ DAVIES, INC.; EN-TECH CORP.; ET ENVIRONMENTAL; EVERGREEN RECYCLING OF CORONA(EROC); EWELL W. FINLEY, P.C.; EXECUTIVE MEDICAL SERVICES, P.C.; F&G MECHANICAL, INC.; FLEET TRUCKING, INC.; FRANCIS A. LEE EXTERIOR RESTORATION, INC.; FRANK MICELLI JR.CONTRACTING, INC.; FTI TRUCKING, INC.; GILSANZ, MURRAY, & STEFICEK, LLP, GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC.; HALLEN WELDING SERVICE, INC.; HELMSMAN MANAGEMENT SERVICES, INC.; HGC CONTRACTING CORP.; HIGH-RISE ELECTRIC, INC.; HIGH RISE HOISTING AND SCAFFOLDING, INC.; JP EQUIPMENT RENTAL MATERIALS, INC; LAQUILA CONSTRUCTION INC.; LASTRADA GENERAL CONTRACTING CORP.; LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEERS P.C.; LIBERTY MUTUAL INSURANCE COMPANY; LIBERTY MUTUAL MANAGED CARE INC.; LOCKWOOD, KESSLER & BARTLETT, INC.; LUCIUS PITKIN, INC.; LZA TECH-DIV OF THORTON TOMASETTI; MANAFORT BROTHERS INCORPORATED; MAZZOCCHI WRECKING, INC.; MERIDIAN CONSTRUCTION GROUP; Moody's INVESTORS SERVICE; MRA ENGINEERING, PC; MUESER RUTLEDGE CONSULTING ENGINEERS, INC; MUSCO SPORTS LIGHTING, LLC.; NACIREMA INDUSTRIES INCORPORATED; NEW YORK CRANE & EQUIPMENT CORP.; NYC INDUSTRIAL DEVELOPMENT AGENCY; NICHOLSON CONSTRUCTION COMPANY; OLYMPIC PLUMBING & HEATING CORP.; OVE ARUP & PARTNERS P.C.; PARSON GROUP, INC.; PETER SCALAMANDRE & SONS, INC.; PINNACLE; PINNACLE ENVIRONMENTAL CORP.; PLAZA CONSTRUCTION CORP.; PLAZA CONSTRUCTION MANAGEMENT CORP.; PORT AUTHORITY of NEW YORK and NEW JERSEY; PRO SAFETY SERVICES LLC.; PT & L CONTRACTING CORP.; REGIONAL SCAFFOLDING & HOISTING CO., INC.; ROBER SILMAN ASSOCIATES; ROBERT ERRAT; ROBERT L. GEROSA, INC.; ROYAL GM, INC; SAB TRUCKING INC.; SAFEWAY ENVIRONMENTAL CORP.; SEASONS

INDUSTRIAL CONTRACTING; SHELDRAKE ORGANIZATION, INC.; SILVERITE CONTRACTING CORPORATION; SILVERSTEIN DEVELOPMENT CORP; SILVERSTEIN PROPERTIES INC; SILVERSTEIN PROPERTIES; SILVERSTEIN WTC FACILITY MANAGER LLC.; SILVERSTEIN WTC LLC; SILVERSTEIN WTC MGMT CO. LLC.; SILVERSTEIN WTC PROPERTIES LLC.; SIMPSON GUMPERTZ & HEGER INC.; SKIDMORE, OWING & MERRILL LLP; STAR DELTA ELECTRIC, INC.; STIER ANDERSON, LLC.; SURVIVAIR; TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN; TISHMAN CONSTRUCTION CORPORATION OF NEW YORK; TISHMAN INTERIORS CORPORATION; TISHMAN SPEYER PROPERTIES; TOMASETTI GROUP, INC.; TORRETTA TRUCKING, INC.; TOTAL SAFETY CONSULTING, L.L.C.; TRIO ASBESTOS REMOVAL; TUCCI EQUIPMENT RENTAL CORP.; TULLY CONSTRUCTION CO., INC.; TULLY CONSTRUCTION COMPANY; TULLY ENVIRONMENTAL INC.; TULLY INDUSTRIES, INC.; TURNER CONSTRUCTION CO.; TURNER CONSTRUCTION COMPANY; TURNER CONSTRUCTION INTERNATIONAL, LLC.; ULTIMATE DEMOLITION/CS HAULING (JOINT VENTURE); UNITED STATES REBAR, INC.; VOLLMER ASSOCIATES LLP.; W HARRIS & SONS INC.; WEEKS MARINE, INC.; WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C.; WFP Tower D. Co., LP; WHITNEY CONTRACTING INC.; WOLKOW-BRAKER ROOFING CORP.; WORLD TRADE CENTER PROPERTIES LLC.; YANNUZZI & SONS, INC; YONKERS CONTRACTING COMPANY, INC.; YORK HUNTER CONSTRUCTION, LLC; ZIEGENFUSS DRILLING, INC.,

---

Defendants.

By Order of the Honorable Alvin K. Hellerstein, United States District Judge, dated May 12, 2005, ("the Order"), a Master Complaint for all Plaintiffs was filed on May 12, 2005.

#### NOTICE OF ADOPTION

All headings and paragraphs in the Master Complaint are applicable to and are adopted by the instant Plaintiff(s) as if fully set forth herein in addition to those paragraphs specific to the individual Plaintiff(s), which are listed below. These are marked with an "" if applicable to the instant Plaintiff(s), and specific case information is set forth, as needed, below.

Plaintiffs, OTTO MONTENEGRO AND MARTHA MONTENENGRO, by his/her/their attorneys WORBY GRONER EDELMAN & NAPOLI BERN, LLP, complaining of Defendant(s), respectfully allege:

#### I. PARTIES

##### A. PLAINTIFF(S)

1.  Plaintiff, OTTO MONTENEGRO (hereinafter the "Injured Plaintiff"), is an individual and a citizen of the State of New York residing at 607 West 180th Street #54, New York, NY 10033-.

(OR)

2. Alternatively,

A.  Plaintiff, OTTO MONTENEGRO (hereinafter the "Injured Plaintiff"), is an individual and a citizen of \_\_\_\_\_ residing at \_\_\_\_\_.

B.  \_\_\_\_\_ as the \_\_\_\_\_ of Decedent \_\_\_\_\_, and brings this claim in his (her) capacity as \_\_\_\_\_ of the Estate of \_\_\_\_\_.

*Please read this document carefully.  
It is very important that you fill out each and every section of this document.*

3.  Plaintiff, Martha Montenengro (hereinafter the "Derivative Plaintiff"), is a citizen of New York residing at 607 West 180th Street #54 , New York, NY 10033-, and has the following relationship to the Injured Plaintiff:

SPOUSE at all relevant times herein, is and has been lawfully married to Plaintiff OTTO MONTENEGRO, and brings this derivative action for her (his) loss due to the injuries sustained by her husband (his wife), Plaintiff OTTO MONTENEGRO.

Parent

Child

Other: \_\_\_\_\_

4. In the period from 10/6/2001 to 10/26/2001 the Injured Plaintiff worked for Mason Tenders as a Shop Steward at:

*Please be as specific as possible when filling in the following dates and locations*

- i.  The World Trade Center Site
  1. Location(s) (i.e., building, quadrant, etc.) \_\_\_\_\_
  2. From on or about \_\_\_\_\_ until \_\_\_\_\_;
  3. Approximately \_\_\_\_\_ hours per day; for
  4. Approximately \_\_\_\_\_ days total.
- ii.  The New York City Medical Examiner's Office
  1. From on or about \_\_\_\_\_ until \_\_\_\_\_,
  2. Approximately \_\_\_\_\_ hours per day; for
  3. Approximately \_\_\_\_\_ days total.
- iii.  The Fresh Kills Landfill

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It is very important that you fill out each and every section of this document.*

1. From on or about \_\_\_\_\_ until \_\_\_\_\_;
2. Approximately \_\_\_\_\_ hours per day; for
3. Approximately \_\_\_\_\_ days total.

iv.  The Barge

1. From on or about \_\_\_\_\_ until \_\_\_\_\_;
2. Approximately \_\_\_\_\_ hours per day; for
3. Approximately \_\_\_\_\_ days total.

v.  **Other:**\* For injured plaintiffs who worked at Non-WTC Site building or location. The injured plaintiff worked at the address/location, for the dates alleged, for the hours per day, for the total days, and for the employer, as specified below:

1. From on or about 10/6/2001 until 10/26/2001;
2. Approximately 12 hours per day; for
3. Approximately 7 days total;
4. Name and Address of Non-WTC Site Building/Worksite:  
140 West Street

*\*Continue this information on a separate sheet of paper if necessary.*

*If more space is needed to specify "Other" locations, please annex a separate sheet of paper with the information.*

5. Injured Plaintiff

Was exposed to and breathed noxious fumes on all dates, at the site(s) indicated above;

Was exposed to and inhaled or ingested toxic substances and particulates on all dates at the site(s) indicated above;

Was exposed to and absorbed or touched toxic or caustic substances on all dates at the site(s) indicated above;

Other: Not yet determined.

---

6. Injured Plaintiff

*Please read this document carefully.  
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- Has not made a claim to the Victim Compensation Fund. Pursuant to §405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- Made a claim to the Victim Compensation Fund that was denied. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- Made a claim to the Victim Compensation Fund, that was subsequently withdrawn by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any further legal action for the injuries identified in said claim.

#### B. DEFENDANT(S)

The following is a list of all Defendant(s) named in the Master Complaint. If checked, all paragraphs pertaining to that Defendant are deemed pleaded herein.

- THE CITY OF NEW YORK
- A Notice of Claim was timely filed and served on \_\_\_\_\_ and
  - pursuant to General Municipal Law §50-h the CITY \_\_\_\_\_ (OR)
  - The City has yet to hold a hearing as required by General Municipal Law §50-h
  - More than thirty days have past and the City has not adjusted the claim
- (AND/OR)
- An Order to Show Cause application to

*Please read this document carefully.  
It is very important that you fill out each and every section of this document.*

- deem Plaintiff's (Plaintiffs') Notice of Claim timely filed, or in the alternative to grant Plaintiff(s) leave to file a late Notice of Claim *Nunc Pro Tunc* (for leave to file a late Notice of Claim *Nunc Pro Tunc*) has been filed and a determination
- is pending
- Granting petition was made on \_\_\_\_\_
- Denying petition was made on \_\_\_\_\_

PORT AUTHORITY OF NEW YORK AND NEW JERSEY ["PORT AUTHORITY"]

- A Notice of Claim was filed and served pursuant to Chapter 179, §7 of The Unconsolidated Laws of the State of New York on 5/9/06
- More than sixty days have elapsed since the Notice of Claim was filed, (and)
  - the PORT AUTHORITY has adjusted this claim
  - the PORT AUTHORITY has not adjusted this claim.

- 1 WORLD TRADE CENTER, LLC
- 1 WTC HOLDINGS, LLC
- 2 WORLD TRADE CENTER, LLC
- 2 WTC HOLDINGS, LLC
- 4 WORLD TRADE CENTER, LLC
- 4 WTC HOLDINGS, LLC
- 5 WORLD TRADE CENTER, LLC
- 5 WTC HOLDINGS, LLC
- AMEC CONSTRUCTION MANAGEMENT, INC.
- BECHTEL ASSOCIATES PROFESSIONAL CORPORATION
- BECHTEL CONSTRUCTION, INC.
- BECHTEL CORPORATION
- BECHTEL ENVIRONMENTAL, INC.
- BOVIS HOLDINGS LIMITED
- BOVIS INTERNATIONAL, INC.

*Please read this document carefully.  
It is very important that you fill out each and every section of this document.*

- BOVIS LEND LEASE, INC.
- BOVIS LEND LEASE INTERIORS, INC.
- BOVIS LEND LEASE LMB, INC.
- CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- LIBERTY MUTUAL MANAGED CARE, INC.
- PLAZA CONSTRUCTION CORP.
- PLAZA CONSTRUCTION MANAGEMENT CORP.
- SILVERSTEIN PROPERTIES
- SILVERSTEIN PROPERTIES, INC.
- SILVERSTEIN WTC FACILITY MANAGER, LLC
- SILVERSTEIN WTC, LLC
- SILVERSTEIN WTC MANAGEMENT CO., LLC
- SILVERSTEIN WTC PROPERTIES, LLC
- TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN
- TISHMAN CONSTRUCTION CORPORATION OF NEW YORK
- TULLY CONSTRUCTION CO., INC.
- TULLY CONSTRUCTION COMPANY
- TULLY ENVIRONMENTAL INC.
- TULLY INDUSTRIES, INC.
- TURNER CONSTRUCTION CO.
- TURNER CONSTRUCTION COMPANY
- TURNER CONSTRUCTION INTERNATIONAL, LLC
- TURNER/PLAZA, A JOINT VENTURE
- WORLD TRADE CENTER PROPERTIES, LLC
- OTHER: SEE ADDENDUM A

— Non-WTC Site Building Owner

Name: \_\_\_\_\_

Business/Service Address: \_\_\_\_\_

Building/Worksite Address: \_\_\_\_\_

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Non-WTC Site Lessee

Name: \_\_\_\_\_

Business/Service Address: \_\_\_\_\_

Building/Worksite Address: \_\_\_\_\_

Non-WTC Site Building Managing Agent

Name: \_\_\_\_\_

Business/Service Address: \_\_\_\_\_

Building/Worksite Address: \_\_\_\_\_

## II. JURISDICTION

The Court's jurisdiction over the subject matter of this action is:

- Founded upon Federal Question Jurisdiction; specifically
- Air Transport Safety & System Stabilization Act of 2001, (or)
- Federal Officers Jurisdiction, (or)
- Other (specify): \_\_\_\_\_
- Contested, but the Court has already determined that it has removal jurisdiction over this action, pursuant to 28 U.S.C. § 1441.

## III. CAUSES OF ACTION

Plaintiff(s) seeks damages against the above named defendants based upon the following theories of liability, and asserts each element necessary to establish such a claim under the applicable substantive law:

- Breach of the defendants' duties and obligations pursuant to the New York State Labor Law(s) including §§ 200 and 240

*Please read this document carefully.  
It is very important that you fill out each and every section of this document.*

- Breach of the defendants' duties and obligations pursuant to the New York State Labor Law 241(6)
- Pursuant to New York General Municipal Law §205-a
- Pursuant to New York General Municipal Law §205-e
- Common Law Negligence
- Medical Monitoring
- Fear of Cancer
- Fraud and Misrepresentation
  - Air Quality;
  - Effectiveness of Mask Provided;
  - Effectiveness of Other Safety Equipment Provided (specify: \_\_\_\_\_);
  - Other(specify): Not yet determined. \_\_\_\_\_
- Wrongful Death
- Loss of Services/Loss of Consortium for Derivative Plaintiff
- Other: \_\_\_\_\_

#### IV. CAUSATION, INJURY AND DAMAGE

1. As a direct and proximate result of defendant's culpable actions in the rescue and/or recovery and/or construction, renovation, alteration, demolition and all work performed at the premises, the Injured Plaintiff sustained (including, but not limited to) the following injuries:

- Abdominal Pain  
Date of onset: \_\_\_\_\_  
Date physician first connected this injury to WTC work: \_\_\_\_\_
- Asthma  
Date of onset: \_\_\_\_\_

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Date physician first connected this injury to WTC work: \_\_\_\_\_

Brain Tumor

Date of onset: \_\_\_\_\_

Date physician first connected this injury to WTC work: \_\_\_\_\_

Burns

Location of burn (body part/percent) \_\_\_\_\_;

Date of onset: \_\_\_\_\_

Date physician first connected this injury to WTC work: \_\_\_\_\_

Chronic Bronchitis

Date of onset: \_\_\_\_\_

Date physician first connected this injury to WTC work: \_\_\_\_\_

Chronic Cough

Date of onset: \_\_\_\_\_

Date physician first connected this injury to WTC work: \_\_\_\_\_

Chronic Obstructive Lung Disease

Date of onset: \_\_\_\_\_

Date physician first connected this injury to WTC work: \_\_\_\_\_

Dermatitis

Date of onset: \_\_\_\_\_

Date physician first connected this injury to WTC work: \_\_\_\_\_

Fear of Cancer

Date of onset: 8/8/2005

Date physician first connected this injury to WTC work: To be supplied at a later date

Gastric Reflux

Date of onset: 8/8/2005

Date physician first connected this injury to WTC work: To be supplied at a later date

Hypertension

Date of onset: \_\_\_\_\_

Date physician first connected this injury to WTC work: \_\_\_\_\_

Indigestion

Date of onset: \_\_\_\_\_

Date physician first connected this injury to WTC work: \_\_\_\_\_

*Please read this document carefully.*

*It is very important that you fill out each and every section of this document.*

Insomnia  
Date of onset: To be supplied at a later date  
Date physician first connected this injury to WTC work: To be supplied at a later date

Leukemia  
Date of onset: \_\_\_\_\_  
Date physician first connected this injury to WTC work: \_\_\_\_\_

Lung Cancer  
Date of onset: \_\_\_\_\_  
Date physician first connected this injury to WTC work: \_\_\_\_\_

Lymphoma  
Date of onset: \_\_\_\_\_  
Date physician first connected this injury to WTC work: \_\_\_\_\_

Nausea  
Date of onset: \_\_\_\_\_  
Date physician first connected this injury to WTC work: \_\_\_\_\_

Pulmonary Fibrosis  
Date of onset: \_\_\_\_\_  
Date physician first connected this injury to WTC work: \_\_\_\_\_

Shortness of Breath  
Date of onset: To be supplied at a later date  
Date physician first connected this injury to WTC work: To be supplied at a later date

Sinusitis  
Date of onset: \_\_\_\_\_  
Date physician first connected this injury to WTC work: \_\_\_\_\_

Other: Anxiety; Chest Pain; Cognitive Problems/Memory Loss; Eye and/or Ear Problems; Eye Problems; and Psychological Problems  
Date of onset: \_\_\_\_\_  
Date physician first connected this injury to WTC work: To be supplied at a later date

*NOTE: The foregoing is NOT an exhaustive list of injuries that may be alleged.*

*Please read this document carefully.  
It is very important that you fill out each and every section of this document.*

2. As a direct and proximate result of the injuries identified in paragraph "1", above, the Ground Zero-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages:

- Pain and suffering
- Loss of the pleasures of life
- Loss of earnings and/or impairment of earning capacity
- Loss of retirement benefits/diminution of retirement benefits
- Expenses for medical care, treatment, and rehabilitation
- Other:
  - Mental anguish
  - Disability
  - Medical monitoring
  - Other: Not yet determined.

3.  As a direct and proximate result of the injuries described *supra*, the derivative plaintiff(s), if any, have in the past suffered and/or will in the future suffer a loss of the love, society, companionship, services, affection, and support of the plaintiff and such other losses, injuries and damages for which compensation is legally appropriate.

*Please read this document carefully.  
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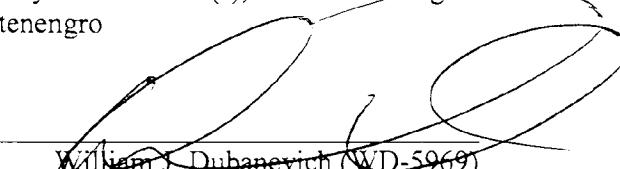
**WHEREFORE**, plaintiff(s) respectfully pray that the Court enter judgment in his/her/their favor and against defendant(s) for damages, costs of suit and such other, further and different relief as may be just and appropriate.

**Plaintiff(s) demands that all issues of fact in this case be tried before a properly empanelled jury.**

Dated: New York, New York  
August 7, 2006

Yours, etc.,

**Worby, Groner Edelman & Napoli Bern, LLP**  
Attorneys for Plaintiff(s), Otto Montenegro and ~~Martha~~  
Montenegro

By: 

William J. Dubanevich (WD-5969)  
115 Broadway, 12<sup>th</sup> Floor  
New York, New York 10006  
Phone: (212) 267-3700

*Please read this document carefully.  
It is very important that you fill out each and every section of this document.*

## ADDENDUM A

Plaintiff(s), Otto Montenegro (and Wife, Martha Montenegro) repeat(s), reiterate(s), and reallege(s) paragraphs 331 through paragraph 505 of the Master Complaint with the same force and effect as if set forth more fully at length therein as against the following defendants:

- 150 BROADWAY N.Y. ASSOCS. L. P.,
- 160 WATER ST. INC
- 30 BROAD STREET ASSOCIATES, L.L.C.,
- 7 WORLD TRADE COMPANY, L.P.
- A RUSSO WRECKING
- ABM INDUSTRIES, INC.
- ABM JANITORIAL NORTHEAST, INC.
- AMEC EARTH & ENVIRONMENTAL, INC.
- ATLANTIC HEYDT CORP
- BECHTEL CONSTRUCTION, INC.
- BECHTEL CORPORATION
- BECHTEL ENVIRONMENTAL, INC.,
- BERKEL & COMPANY, CONTRACTORS, INC.
- BFP ONE LIBERTY PLAZA CO., LLC,
- BFP TOWER C CO. LLC,
- BIG APPLE WRECKING & CONSTRUCTION CORP
- BOSTON PROPERTIES,
- BRANCH SERVICES
- BREEZE CARTING CORP
- BREEZE NATIONAL, INC.
- BRER-FOUR TRANSPORTATION CORP.
- BROOKFIELD FINANCIAL PROPERTIES, INC.,
- BROWN HARRIS STEVENS,
- BURO HAPOLD CONSULTING ENGINEERS, P.C.

- C & D FIREPROFFING & PLASTERING CORP
- C.B. CONTRACTING CORP
- CALEDONIAN INSURANCE COMPANY
- CANRON CONSTRUCTION CORP
- CANTOR SEINUK GROUP
- CAPITAL PROPERTIES, INC,
- CARLOS CONSTRUCTION
- CERTIFIED FENCE CORP.
- CIVETTA-COUSINS JV, L.L.C
- CLARCOR AIR FILTRATION PRODUCTS, INC.
- COMPONENT ASSEMBLY SYSTEMS, INC.
- CONSULTING ENGINEERS, P.C.
- COOPER SQUARE REALTY, INC,
- COORDINATED METALS, INC.
- CORD CONTRACTING CO., INC
- CRAIG TEST BORING COMPANY INC.
- CRITICOM INTERNATIONAL CORPORATION
- CUSHMAN & WAKEFIELD, INC,
- DAKOTA DEMO-TECH
- DCM ERECTORS, INC
- DEUTSCHE BANK
- DIAMOND POINT EXCAVATING CORP
- DIEGO CONSTRUCTION, INC.
- DIVERSIFIED CARTING, INC.
- DMT ENTERPRISE, INC.
- D'ONOFRIO GENERAL CONTRACTORS CORP
- EAGLE LEASING & INDUSTRIAL SUPPLY
- EAGLE ONE ROOFING CONTRACTORS INC.
- EAGLE SCAFFOLDING CO
- EJ DAVIES, INC.
- EMPIRE STATE PROPERTIES, INC

- EN-TECH CORP
- ET ENVIRONMENTAL
- EVERGREEN RECYCLING OF CORONA
- EWELL W. FINLEY, P.C.
- EXECUTIVE MEDICAL SERVICES, P.C.
- F&G MECHANICAL, INC.
- FLEET TRUCKING, INC.
- FRANCIS A. LEE COMPANY, A CORPORATION
- FRANCIS MICELLI JR CONTRACTING
- FTI TRUCKING
- GILSANZ MURRAY STEFICEK, LLP
- GLO MANAGEMENT, INC.,
- GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC
- GRUBB & ELLIS MANAGEMENT SERVICES, INC.,
- HALLEN WELDING SERVICE, INC.
- HELMSMAN MANGEMENT SERVICES, INC.
- HGC CONTRACTING CORP
- HIGH-RISE ELECTRIC, INC.
- HIGH-RISE HOISTING AND SCAFFOLDING, INC
- J.P. MORGAN CHASE CORPORATION,
- JEMB REALTY CORP
- JP EQUIPMENT RENTAL MATERIALS, INC.
- KIBEL COMPANIES,
- LAQUILA CONSTRUCTION INC
- LASTRADA GENERAL CONTRACTING CORP
- LEFRAK ORGANIZATION INC
- LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEER P.C.
- LIBERTY MUTUAL INSURANCE COMPANY
- LIBERTY MUTUAL MANAGED CARE, INC.
- LOCKWOOD KESSLER & BARTLETT, INC.

- LUCIUS PITKIN, INC
- LZA TECH-DIV OF THORTON TOMASETTI
- MANAFORT BROTHERS, INC.
- MAYORE ESTATES LLC,
- MAZZOCCHI WRECKING, INC.
- MEDCORE MEDICAL AND HOSPITAL SUPPLY
- MERIDIAN CONSTRUCTION CORP.
- MILFORD MANAGEMENT CORP,
- MILSTEIN PROPERTIES CORP.,
- MOODY'S INVESTORS SERVICE,
- MRA ENGINEERING P.C.
- MUESER RUTLEDGE CONSULTING ENGINEERS
- MURRAY HILL PROPERTIES,
- MUSCO SPORTS LIGHTING, LLC
- NACIREMA INDUSTRIES INCORPORATED
- NEW YORK CRANE & EQUIPMENT CORP.
- NICHOLSON CONSTRUCTION COMPANY
- NYC INDUSTRIAL DEVELOPMENT AGENCY,
- OLYMPIC PLUMBING & HEATING CORP
- ONE WALL STREET CORPORATION,
- OVE ARUP & PARTNERS P.C.
- PARSON GROUP
- PETER SCALAMANDRE & SONS, INC.
- PINNACLE ENVIRONMENTAL CORP
- PRO SAFETY SERVICES, LLC
- PT & L CONTRACTING CORP
- REGIONAL SCAFFOLD & HOISTING CO, INC.
- ROBER SILMAN ASSOCIATES
- ROBERT L GEROSA, INC
- ROCKROSE DEVELOPMENT CORP,

- ROYAL GM INC.
- RY MANAGEMENT
- SAB TRUCKING INC.
- SAFEWAY ENVIRONMENTAL CORP
- SAKELE BROTHERS, L.L.C,
- SEASONS INDUSTRIAL CONTRACTING
- SHELDRAKE ORGANIZATION, INC.
- SILVERITE CONTRACTORS
- SILVERSTEIN DEVELOPMENT CORP.
- SILVERSTEIN WTC PROPERTIES LLC
- SIMPSON GUMPERTZ & HEGER INC
- SKIDMORE OWINGS & MERRILL LLP
- STAR DELTA ELECTRIC
- STIER ANDERSON LLC
- SURVIVAIR
- THE BANK OF NEW YORK,
- THE RELATED COMPANIES, LP,
- TISHMAN INTERIORS CORPORATION,
- TISHMAN SPEYER PROPERTIES,
- TOMASETTI GROUP
- TORRETTA TRUCKING, INC
- TOTAL SAFETY CONSULTING, L.L.C
- TRAMMELL CROW COMPANY,
- TRINITY CENTRE, LLC,
- TRIO ASBESTOS REMOVAL,
- TUCCI EQUIPMENT RENTAL CORP
- ULTIMATE DEMOLITIONS/CS HAULING
- UNITED STATES REBAR, INC.
- VERIZON NEW YORK INC,
- VOLLMER ASSOCIATES LLP

- W HARRIS & SONS INC
- WEEKS MARINE, INC.
- WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C.
- WFP TOWER A. CO., L.P.,
- WFP TOWER B. CO., L.P.,
- WFP TOWER D. CO., LP,
- WHITNEY CONTRACTING INC.
- WOLKOW-BRAKER ROOFING CORP
- YANNUZZI & SONS INC
- YONKERS CONTRACTING COMPANY, INC.
- YORK HUNTER CONSTRUCTION, LLC
- ZAR REALTY MANAGEMENT CORP.,
- ZECKENDORF REALTY

ATTORNEY VERIFICATION

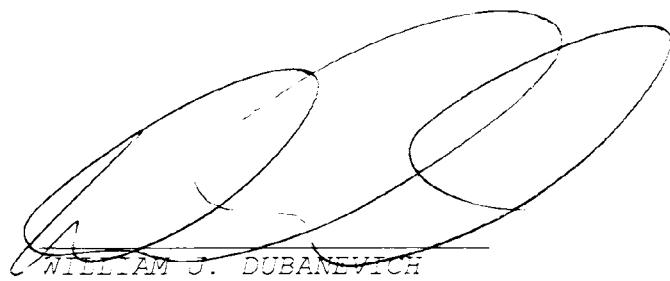
WILLIAM J. DUBANEVICH, an attorney at law, duly admitted to practice in the Courts of the State of New York, affirms under the penalties of perjury that:

He is the attorney for the plaintiff(s) in the above-entitled action. That he has read the foregoing SUMMONS AND VERIFIED COMPLAINT and knows the contents thereof, and upon information and belief, deponent believes the matters alleged therein to be true.

The reason this Verification is made by deponent and not by the plaintiff(s) is that the plaintiff(s) herein reside(s) in a county other than the one in which the plaintiff's attorneys maintain their office.

The source of deponent's information and the grounds of his belief are communication, papers, reports and investigation contained in the file.

DATED: New York, New York  
August 7, 2006



WILLIAM J. DUBANEVICH

Docket No.:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Otto Montenegro (and Wife, Martha Montenegro),  
Plaintiff(s)  
- against -

1 WORLD TRADE CENTER LLC, et al.

Defendant(s).

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**SUMMONS AND VERIFIED COMPLAINT**

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**WORBY GRONER EDELMAN & NAPOLI BERN, LLP**

Attorneys for: Plaintiff(s)  
Office and Post Office Address, Telephone  
115 Broadway - 12th Floor  
New York, New York 10006  
(212) 267-3700

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To  
Attorney(s) for

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Service of a copy of the within  
is hereby admitted.

Dated,

\_\_\_\_\_  
Attorney(s) for

---

**PLEASE TAKE NOTICE:**

**G NOTICE OF ENTRY**

that the within is a (certified) true copy of an  
duly entered in the office of the clerk of the within named court on 20

**G NOTICE OF SETTLEMENT**

that an order \_\_\_\_\_ of which the within is a true copy  
will be presented for settlement to the HON. \_\_\_\_\_ one of the judges of  
the \_\_\_\_\_  
within named Court, at \_\_\_\_\_  
on 20 at M.  
Dated,

Yours, etc.,

WORBY GRONER EDELMAN & NAPOLI BERN, LLP

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